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ATTORNEYS FOR KEELING CATTLE FEEDERS INC.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

IN RE:

MCCLAIN FEED YARD, INC., et al.,¹

Debtors.

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§

CASE NO. 23-20084-RLJ-7

Jointly Administered

RESPONSE OF KEELING CATTLE FEEDERS INC.
TO RABO'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR,
ALTERNATIVELY, FOR ABANDONMENT OF CERTAIN CATTLE AND PROCEEDS
OF CATTLE

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

NOW COMES Keeling Cattle Feeders Inc. (Scott Keeling, a principal of Keeling Cattle

¹ The Debtors in these chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ)

Feeders is mentioned in Rabo's Motion, but he as an individual party is not involved in this matter) ("Keeling Cattle"), by and through its attorneys of record, and files this its Response to Rabo's Motion for Relief From the Automatic Stay or, Alternatively, For Abandonment of Certain Cattle and Proceeds of Cattle (Document No. 192) (the "Motion") filed by Rabo AgriFinance LLC ("Rabo"), and would respectfully show the Court as follows:

1. With respect to Rabo's material allegations in the Motion, alleged to involve 49 cattle, the sale of which created \$36,810.71 of net proceeds, Keeling Cattle denies these allegations as they may relate to the recovery of any cattle or proceeds by Keeling Cattle, as alleged in the Motion.

2. Any cattle removed or proceeds obtained by or on behalf of Keeling Cattle, as alleged in the Motion, were removed or obtained in good faith and in the ordinary course of the business of Keeling Cattle. Any cattle removed by Keeling Cattle were fed and cared for in the ordinary course of its business and Keeling Cattle incurred related feed and care expenses. Keeling Cattle does not know if the cattle or proceeds are property of the bankruptcy estate. Rabo also acknowledges in the Motion that it does not know if the Removed Cattle and Proceeds are property of the bankruptcy estate. Considering this, Rabo's requested relief should be denied. Rabo is adequately protected by its comprehensive liens on property of the bankruptcy estate and related guaranty agreements.

3. Keeling Cattle does not know who may have a claim to the relevant proceeds. Keeling Cattle acknowledges that there may be competing claims to the funds. It is Keeling Cattle's position that Rabo's requested relief should be denied, or that the Court order that relevant proceeds be tendered to and held by the Court or the Chapter 7 Trustee, pending further orders from the Court.

WHEREFORE, PREMISES CONSIDERED, Keeling Cattle prays that the Court enter an order denying Rabo's Motion in accordance with the above and foregoing Response, and for such other and further relief, in law or in equity, to which it may show itself justly entitled.

Dated this 28th day of March, 2024.

Respectfully submitted,

/s/ Kerry L. Haliburton
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ATTORNEYS FOR
KEELING CATTLE FEEDERS INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Response to Rabo's Motion for Relief From the Automatic Stay or, Alternatively, For Abandonment of Certain Cattle and Proceeds of Cattle was served via electronic means, unless not available, otherwise by regular United States Mail, first class, postage fully prepaid, on March 28, 2024 to the parties listed below.

/s/ Kerry L. Haliburton
Kerry L. Haliburton

DEBTORS:

McClain Feed Yard, Inc.
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Hereford, TX 76655

McClain Farms, Inc.
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Benton, KY 42025

7M Cattle Feeders, Inc.
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Friona, TX 79035

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CHAPTER 7 TRUSTEE:

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